



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 8, 1998

Mr. Hugh W. Davis, Jr.  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, Texas 76102-6311

OR98-2397

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118937.

The City of Fort Worth (the "city") received a request for various information regarding a citation for speeding. You submit information as responsive to the request. You seek to withhold the information you submitted under section 552.103 of the Government Code.

Section 552.103(a), known as the litigation exception, excepts from required public disclosure information

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

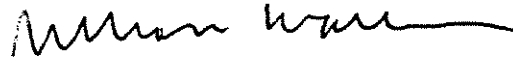
You advise, and provide supporting documentation indicating, that the case to which the requested information pertains was set for trial on August 27, 1998. Based on these representations, we conclude that, except as noted below, you may withhold the information at issue under section 552.103(a) until litigation is no longer pending in this matter. The

applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

Some of the information you submitted as responsive to the request consists of copies of correspondence with the defendant in the litigation. Absent special circumstances, once information has been obtained by all parties to the litigation, either through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349, 320 (1982). To the extent the defendant has seen or had access to the records -- *e.g.* by having sent them to the city or received them from the city -- there would be no justification for now withholding such information from the requestor pursuant to section 552.103(a). Similarly, some of the information you submitted appears to consist of court records that are public in nature and must be released. *See, e.g., Star-Telegram v. Walker* 834 S.W.2d 54 (Tex.1992).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/RHS/ch

Ref: ID# 118937

Enclosures: Submitted documents

cc: J-K Richter  
3505 S. Lamar Boulevard, #2101  
Austin, Texas 78704  
(w/o enclosures)